REMARKS

The above amendments to the above-captioned application along with the following remarks are being submitted as a full and complete response to the Official Action dated April 8, 2005. In view of the above amendments and the following remarks, the Examiner is respectfully requested to give due reconsideration to this application, to indicate the allowability of the claims, and to pass this case to issue.

Status of the Claims

Claims 42-58 are under consideration in this application.

Prior Art Rejections

Claims 42-58 were rejected under 35 U.S.C. § 103(a) as being unpatentable over US Pat. App. Pub. No. 2002/0130830 of Park (hereinafter "Park"). The prior art reference Miura et al. (6,703,993) and Nose (US 2003/0001983) were cited as being pertinent to the present application.

Applicants have reviewed the cited references and hereby respectfully traverse the rejection. Applicants hereby contend that Park is disqualified as prior art since the U.S. filing date of Park, March 15, 2002, was "later" than (not "before") the U.S. filing date of the application, November 15, 2001. Although Park's KR priority date, March 15, 2001, predated the U.S. filing date of the application, November 15, 2001, under the Hilmer I doctrine (MPEP. 2136.03), Park's KR priority date cannot be used to antedate the application's US filing date:

> *A U.S. patent reference is effective prior art as of its U.S. filing date. 35 U.S.C. 119(a)-(d) and (f) does not modify section 102(e) which is explicitly limited to certain references "filed in the United States before the invention thereof by the applicant" (emphasis added). Therefore,* ***the foreign priority date of the reference under 35 U.S.C. 119(a)-(d) and (f) cannot be used to antedate the application filing date.*** *MPEP. 2136.03.*

Nose is also disqualified as prior art since the U.S. filing date of Nose, October 12, 2001, was "later" than (not "before") the earliest effective filing dates (Japanese priority dates) of the application as follows:

1) Nov. 30, 2000 (Japanese patent application 2000-365138)

2) May 30, 2001 (Japanese patent application 2001-162392)

3) Aug 30, 2001 (Japanese patent application 2001-261777).

Under the Hilmer I doctrine (MPEP. 2136.03), Applicants' JP priority dates may be used to predate the Nose US filing date, even if Nose's JP priority date, October 13, 2000, predated the JP priority dates of the application:

> ***In contrast, applicant may be able to overcome the 35 U.S.C. 102(e) rejection by proving he or she is entitled to his or her own 35 U.S.C. 119 priority date which is earlier than the reference's U.S. filing date.*** *In re Hilmer, 359 F.2d 859, 149 USPQ 480 (CCPA 1966) (Hilmer I) (Applicant filed an application with a right of priority to a German application. The examiner rejected the claims over a U.S. patent to Habicht based on its Swiss priority date. The U.S. filing date of Habicht was later than the application's German priority date. The court held that the reference's Swiss priority date could not be relied on in a 35 U.S.C. 102(e) rejection. MPEP. 2136.03.*

A copy of the English translation of the JP priority document JP 2001-261777 of the present application is hereby submitted to prove that the claimed patentable features were in Applicants' possession since Aug 30, 2001, especially paragraphs [0129], [0130], [0132]-[0135], [0149], [0162], [0259], [0270]-[0279] of the translation.

As to Miura, it simply dose not teach or suggest the claimed invention.

Finality of the Action

As to the finality or the outstanding rejections, Applicant respectfully requests the Examiner to withdraw the premature finality of the rejections. Applicant contends that Park was improperly cited as a prior art reference. As such, the withdrawal of the premature finality of the rejection is duly solicited.

Conclusion

In view of all the above, clear and distinct differences as discussed exist between the present invention as now claimed and the prior art reference upon which the rejections in the Office Action rely, Applicant respectfully contends that the prior art references cannot anticipate the present invention or render the present invention obvious. Rather, the present invention as a whole is distinguishable, and thereby allowable over the prior art.

Favorable reconsideration of this application is respectfully solicited. Should there be any outstanding issues requiring discussion that would further the prosecution and allowance

of the above-captioned application, the Examiner is invited to contact the Applicant's undersigned representative at the address and phone number indicated below.

Respectfully submitted,

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